

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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MATTHEW NIXON and PETER FLEMING, on
behalf of themselves and all others similarly
situated,

Plaintiff,

-against-

24 **CIVIL** 5823 (JLR)

JUDGMENT

POND5, INC.,

Defendant.

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Opinion and Order dated July 21, 2025, the Court has DENIED Pond5's motion to dismiss pursuant to Rule 12(b)(1), but has GRANTED its motion to dismiss pursuant to Rule 12(b)(6). Plaintiffs' request for leave to amend is DENIED. The Complaint is dismissed with prejudice; accordingly, the case is closed.

Dated: New York, New York

July 21, 2025

TAMMI M. HELLWIG

Clerk of Court

BY:

K. mango

Deputy Clerk